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June 14, 2007

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Attorney Docket No. 8285/646

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Patrick J. Walsh)	
)	Examiner: Nguyen, David Q.
Serial No.: 10/686,553)	
)	Group Art Unit No.: 2617
Filing Date: October 14, 2003)	
)	
For: Location Privacy Manager for a)	
Wireless Communication Device)	
and Method Thereof)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandra, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application.
No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

I. Introduction

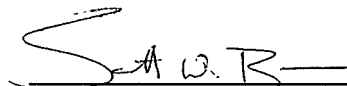
Claims 1-12, 19, 21, and 23-25 are pending in the application. In the final Office Action dated March 8, 2007, the Examiner rejected claims 1, 6, 11, 12, 19, 21, 23, and 25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,675,017 ("Zellner I") in view of U.S. Pat. Pub. No. 2002/0077897 ("Zellner II"). Additionally, claims 2-5, 7-10, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zellner I in view of Zellner II and U.S. Pat. No. 6,442,391 ("Johansson").

II. Zellner I and Zellner II Do Not Qualify As Prior Art Under 35 U.S.C. § 102

The present application is a continuation of U.S. Pat. App. No. 09/497,955 (now U.S. Pat. No. 6,662,014), filed Feb. 4, 2000. Accordingly, the present application is entitled to a priority date of at least **Feb. 4, 2000**. Zellner I was filed on June 30, 2000, and has a priority date of **June 30, 2000**. Zellner II was filed on Dec. 19, 2000, and has a priority date of **Dec. 19, 2000**. Because the priority date of Zellner I and Zellner II are **after** the priority date of the present application, Zellner I and Zellner II do not qualify as prior art.

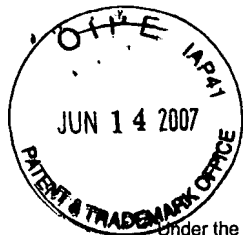
Because Zellner I and Zellner II do not qualify as prior art under 35 U.S.C. § 102, the rejections under 35 U.S.C. § 103(a) necessarily cannot be maintained. Accordingly, the rejections should be removed. Applicant respectfully request review of the final rejection.

Respectfully submitted,



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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 8285/646	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail 9248149 05US in an envelope addressed to: "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" (37 CFR 1.8(a)). On <u>June 14, 2007</u> Signature <u>[Signature]</u> Typed or printed Name <u>Scott W. Brim</u>	Application Number 10/686,553	Filed October 14, 2003	
	First Named Inventor <u>Patrick Jay Walsh</u>		
	Art Unit 2617	Examiner Nguyen, David Q.	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a Notice of Appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>51,500</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p>Note: Signatures of all inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.*</p> <p><input checked="" type="checkbox"/> *Total of <u>1</u> form is submitted.</p>			
		Signature <u>[Signature]</u>	
		Typed or Printed Name <u>Scott W. Brim</u>	
		Telephone number <u>312 321-4200</u>	
		Date <u>June 14, 2007</u>	